

106TH CONGRESS
1ST SESSION

H. R. 2300

To allow a State to combine certain funds to improve the academic achievement of all its students.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1999

Mr. GOODLING (for himself, Mr. HASTERT, Mr. ARMEY, Mr. DELAY, Mr. WATTS of Oklahoma, Mr. CASTLE, Mr. HOEKSTRA, Mr. BALLENGER, Mr. McKEON, Mr. BOEHNER, Mr. SCHAFER, Mr. NORWOOD, Mr. HILLEARY, Mr. DEAL of Georgia, Mr. FLETCHER, Mr. TANCREDO, Mr. DEMINT, Mr. TALENT, Mr. GRAHAM, Mr. SALMON, Mr. PETRI, Mr. McINTOSH, Mr. GREENWOOD, Mr. SAM JOHNSON of Texas, Mrs. NORTHUP, Ms. PRYCE of Ohio, Ms. GRANGER, Mr. MILLER of Florida, Mr. SESSIONS, Mr. FRANKS of New Jersey, Ms. DUNN, Mrs. MYRICK, Mr. BAKER, Mr. METCALF, Mr. HILL of Montana, Mr. PITTS, Mr. SUNUNU, Mr. HERGER, Mr. HEFLEY, Mr. HASTINGS of Washington, Mr. BARTLETT of Maryland, Mr. DOOLITTLE, Mr. BLILEY, Mr. GARY MILLER of California, Mr. McINNIS, Mr. BACHUS, Mr. BLUNT, Mr. STUMP, Mr. FORBES, Mr. SMITH of Michigan, Mr. DICKEY, Mr. PETERSON of Pennsylvania, Mr. LEWIS of Kentucky, Mr. HALL of Texas, Mr. HAYES, Mr. CANNON, Mr. SMITH of New Jersey, Mr. SHAYS, Mr. PORTMAN, Mr. PACKARD, Mr. ROYCE, Mr. KNOLLENBERG, Mr. EWING, Mr. COOK, Mr. POMBO, Mr. TERRY, Mr. CHAMBLISS, and Mr. HOSTETTLER) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To allow a State to combine certain funds to improve the academic achievement of all its students.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Academic Achievement
3 for All Act (Straight A’s Act)”.

4 **SEC. 2. PURPOSE.**

5 The purpose of this Act is to create options for States
6 and communities—

7 (1) to improve the academic achievement of all
8 students, and to focus the resources of the Federal
9 Government upon such achievement;

10 (2) to give States and communities maximum
11 freedom in determining how to boost academic
12 achievement and implement education reforms;

13 (3) to hold States and communities accountable
14 for boosting the academic achievement of all stu-
15 dents, especially disadvantaged children; and

16 (4) to narrow achievement gaps between the
17 lowest and highest performing groups of students so
18 that no child is left behind.

19 **SEC. 3. PERFORMANCE AGREEMENT.**

20 (a) PROGRAM AUTHORIZED.—A State may, at its op-
21 tion, execute a performance agreement with the Secretary
22 under which the provisions of law described in section 4(a)
23 shall not apply to such State except as otherwise provided
24 in this Act.

25 (b) APPROVAL OF PERFORMANCE AGREEMENT.—A
26 performance agreement submitted to the Secretary under

1 this section shall be approved by the Secretary unless the
2 Secretary makes a written determination, within 60 days
3 after receiving the performance agreement, that the per-
4 formance agreement is in violation of the provisions of this
5 Act.

6 (c) TERMS OF PERFORMANCE AGREEMENT.—Each
7 performance agreement executed pursuant to this Act
8 shall include the following provisions:

9 (1) TERM.—A statement that the term of the
10 performance agreement shall be 5 years.

11 (2) APPLICATION OF PROGRAM REQUIRE-
12 MENTS.—A statement that no program requirements
13 of any program included by the State in the per-
14 formance agreement shall apply, except as otherwise
15 provided in this Act.

16 (3) LIST.—A list provided by the State of the
17 programs that it wishes to include in the perform-
18 ance agreement.

19 (4) USE OF FUNDS TO IMPROVE STUDENT
20 ACHIEVEMENT.—Include a 5-year plan describing
21 how the State intends to combine and use the funds
22 from programs included in the performance agree-
23 ment to advance the education priorities of the
24 State, improve student achievement, and narrow
25 achievement gaps between students.

1 (5) ACCOUNTABILITY SYSTEM REQUIRE-
2 MENTS.—If a State includes part A of title I of the
3 Elementary and Secondary Education Act of 1965
4 in its performance agreement, the State shall include
5 a certification that the State has done the following:

6 (A)(i) developed and implemented the chal-
7 lenging State content standards, challenging
8 State student performance standards, and
9 aligned assessments described in section
10 1111(b) of the Elementary and Secondary Edu-
11 cation Act of 1965, and for which local edu-
12 cational agencies in the State are producing the
13 individual school performance profiles required
14 by section 1116(a)(3) of such Act; or

15 (ii) developed and implemented a system to
16 measure the degree of change from 1 school
17 year to the next in student performance on such
18 assessments;

19 (B) established a system under which as-
20 sessment information is disaggregated by race,
21 ethnicity, sex, English proficiency status, and
22 socioeconomic status for the State, each local
23 educational agency, and each school, except
24 that such disaggregation shall not be required
25 in cases in which the number of students in any

1 such group is insufficient to yield statistically
2 reliable information or would reveal the identity
3 of an individual student;

4 (C) established specific, measurable, nu-
5 merical performance objectives for student
6 achievement, including—

7 (i) a definition of performance consid-
8 ered to be satisfactory by the State on the
9 assessment instruments described under
10 subparagraphs (A) and (B) with perform-
11 ance objectives established for all students
12 and for specific student groups, including
13 groups for which data is disaggregated
14 under subparagraph (B); and

15 (ii) the objective of improving the per-
16 formance of all groups and narrowing gaps
17 in performance between those groups; and

18 (D) developed and implemented a state-
19 wide system for holding its local educational
20 agencies and schools accountable for student
21 performance that includes—

22 (i) a procedure for identifying local
23 educational agencies and schools in need of
24 improvement;

(ii) assisting and building capacity in local educational agencies and schools identified as in need of improvement to improve teaching and learning; and

(iii) implementing corrective actions if the assistance and capacity building under clause (ii) is not effective.

(6) PERFORMANCE GOALS.—

(A) STUDENT ACHIEVEMENT DATA.—Each State shall establish student performance goals for the 5-year term of the performance agreement that, at a minimum—

(i) establish a single high standard of performance for all students;

(ii) take into account the progress of students from every local educational agency and school in the State;

(iii) measure changes in the percentages of students at selected grade levels meeting specified proficiency levels of achievement (established by the State) in the final year of the performance agreement, compared to such percentages in the baseline year (as described in subparagraph (C));

(iv) set numerical goals to attain by the end of the term of the performance agreement to—

(I) improve the performance of the groups specified in paragraph (5)(B); and

(II) reduce achievement gaps between the highest and lowest performing groups of students by raising the achievement levels of the lowest performing students in mathematics and reading, at a minimum; and

(v) require all students in the State to make substantial gains in achievement.

(B) ADDITIONAL INDICATORS OF PERFORMANCE.—A State may identify in the performance agreement any additional indicators of performance such as graduation, dropout, or attendance rates.

(C) BASELINE PERFORMANCE DATA.—To determine student achievement levels for the baseline year, the State shall use its most recent achievement data when executing the performance agreement.

1 (D) CONSISTENCY OF PERFORMANCE
2 MEASURES.—A State shall maintain, at a min-
3 imum, the same challenging State student per-
4 formance standards and assessments through-
5 out the term of the performance agreement.

6 (7) FISCAL RESPONSIBILITIES.— An assurance
7 that the State will use fiscal control and fund ac-
8 counting procedures that will ensure proper dis-
9 bursement of, and accounting for, Federal funds
10 paid to the State under this Act.

11 (8) CIVIL RIGHTS.—An assurance that the
12 State will meet the requirements of applicable Fed-
13 eral civil rights laws.

14 (9) PRIVATE SCHOOL PARTICIPATION.—An as-
15 surance that the State will provide for the equitable
16 participation of students and professional staff in
17 private schools in accordance with section 14503 of
18 the Elementary and Secondary Education Act of
19 1965 (20 U.S.C. 8893).

20 (10) STATE FINANCIAL PARTICIPATION.—An
21 assurance that the State will not reduce the level of
22 spending of State funds for education during the
23 term of the performance agreement.

24 (11) ANNUAL REPORT.—An assurance that not
25 later than 1 year after the execution of the perform-

1 ance agreement, and annually thereafter, each State
2 shall disseminate widely to the general public, sub-
3 mit to the Secretary, distribute to print and broad-
4 cast media, and post on the Internet, a report that
5 includes—

6 (A) student performance data,
7 disaggregated as provided in paragraph
8 (5)(A)(ii); and

9 (B) a detailed description of how the State
10 has used Federal funds to improve student per-
11 formance and reduce achievement gaps to meet
12 the terms of the performance agreement.

13 (d) SPECIAL RULE.—If a State does not include part
14 A of title I of the Elementary and Secondary Education
15 Act of 1965 in its performance agreement, the State
16 shall—

17 (1) certify that it has developed a system to
18 measure the academic performance of all students;
19 and

20 (2) establish performance goals in accordance
21 with subsection (c)(6) for such other programs.

22 (e) AMENDMENT TO PERFORMANCE AGREEMENT.—
23 A State may submit an amendment to the performance
24 agreement to the Secretary under the following cir-
25 cumstances:

1 (1) REDUCE SCOPE OF PERFORMANCE AGREE-
2 MENT.—Not later than 1 year after the execution of
3 the performance agreement, a State may amend the
4 performance agreement through a request to with-
5 draw a program from such agreement. If the Sec-
6 retary approves the amendment, the requirements of
7 existing law shall apply for any program withdrawn
8 from the performance agreement.

9 (2) EXPAND SCOPE OF PERFORMANCE AGREE-
10 MENT.—Not later than 1 year after the execution of
11 the performance agreement, a State may amend its
12 performance agreement to include additional pro-
13 grams and performance indicators for which it will
14 be held accountable.

15 **SEC. 4. ELIGIBLE PROGRAMS.**

16 (a) ELIGIBLE PROGRAMS.—The provisions of law re-
17 ferred to in section 3(a) except as otherwise provided in
18 subsection (b), are as follows:

19 (1) Part A of title I of the Elementary and Sec-
20 ondary Education Act of 1965.

21 (2) Part B of title I of the Elementary and Sec-
22 ondary Education Act of 1965.

23 (3) Part C of title I of the Elementary and Sec-
24 ondary Education Act of 1965.

1 (4) Part D of title I of the Elementary and Sec-
2 ondary Education Act of 1965.

3 (5) Section 1502, part E of title I of the Ele-
4 mentary and Secondary Education Act of 1965.

5 (6) Part B of title II of the Elementary and
6 Secondary Education Act of 1965.

7 (7) Section 3132 of title III of the Elementary
8 and Secondary Education Act of 1965.

9 (8) Title IV of the Elementary and Secondary
10 Education Act of 1965.

11 (9) Title VI of the Elementary and Secondary
12 Education Act of 1965.

13 (10) Section 307 of the Department of Edu-
14 cation Appropriation Act of 1999.

15 (11) Comprehensive school reform programs as
16 authorized under section 1502 of the Elementary
17 and Secondary Education Act of 1965 and described
18 on pages 96–99 of the Joint Explanatory Statement
19 of the Committee of Conference included in House
20 Report 105–390 (Conference Report on the Depart-
21 ments of Labor, Health and Human Services, and
22 Education, and Related Agencies Appropriations
23 Act, 1998)”.
24

25 (12) Part C of title VII of the Elementary and
Secondary Education Act of 1965.

1 (13) Title III of the Goals 2000: Educate
2 America Act.

3 (14) Sections 115 and 116, and parts B and C
4 of title I of the Carl D. Perkins Vocational Technical
5 Education Act.

6 (15) Subtitle B of title VII of the Stewart B.
7 McKinney Homeless Assistance Act.

8 (b) ALLOCATION AMOUNTS.—A State may choose to
9 combine funds from any or all of the programs described
10 in subsection (a) without regard to the program require-
11 ments of such provisions, except as otherwise provided in
12 this Act and except that allocation ratios provided under
13 the provisions referred to in subsection (a) shall remain
14 in effect unless otherwise provided.

15 (c) USES OF FUNDS.—Funds made available under
16 this Act to a State shall be used for any educational pur-
17 pose permitted by State law of the participating State.

18 **SEC. 5. WITHIN-STATE DISTRIBUTION OF FUNDS.**

19 (a) IN GENERAL.—The distribution of funds from
20 programs included in the performance agreement from a
21 State to a local educational agency within the State shall
22 be determined by the State legislature and the Governor
23 of the State. In a State in which the constitution or State
24 law designates another individual, entity, or agency to be
25 responsible for education, such other individual, entity, or

1 agency shall work in consultation with the Governor and
2 State legislature to determine the local distribution of
3 funds.

4 (b) LOCAL HOLD HARMLESS OF PART A TITLE 1
5 FUNDS.—

6 (1) IN GENERAL.—In the case of a State that
7 includes part A of title I in the performance agree-
8 ment, the agreement shall provide an assurance that
9 each local educational agency shall receive an
10 amount equal to or greater than the amount such
11 agency received under part A of title I of the Ele-
12 mentary and Secondary Education Act of 1965 in
13 the fiscal year preceding the fiscal year in which the
14 performance agreement is executed.

15 (2) PROPORTIONATE REDUCTION.—If the
16 amount made available to the State from the Sec-
17 retary for a fiscal year is insufficient to pay to each
18 local educational agency the amount made available
19 to such agency for the preceding fiscal year, the
20 State shall reduce the amount each local educational
21 agency receives by a uniform percentage.

22 **SEC. 6. LOCAL PARTICIPATION.**

23 (a) NONPARTICIPATING STATE.—

24 (1) IN GENERAL.—If a State chooses not to
25 submit a performance agreement under this Act, any

1 local educational agency in such State is eligible, at
2 its option, to submit to the Secretary a performance
3 agreement in accordance with this section.

4 (2) AGREEMENT.—The terms of a performance
5 agreement between an eligible local educational agency
6 and the Secretary shall specify the programs to be in-
7 cluded in the performance agreement, as agreed upon by
8 the State and the agency, from the list under section 4(a).

9 (b) STATE APPROVAL.—When submitting a perform-
10 ance agreement to the Secretary, an eligible local edu-
11 cational agency described in subsection (a) shall provide
12 written documentation from the State in which such agen-
13 cy is located that it has no objection to the agency's pro-
14 posal for a performance agreement.

15 (c) APPLICATION.—

16 (1) IN GENERAL.—Except as provided in this
17 section, and to the extent applicable, the require-
18 ments of this Act shall apply to an eligible local edu-
19 cational agency that submits a performance agree-
20 ment in the same manner as the requirements apply
21 to a State.

22 (2) EXCEPTIONS.—The following provisions
23 shall not apply to an eligible local educational agen-
24 cy:

1 (A) WITHIN STATE DISTRIBUTION FOR-
2 MULA NOT APPLICABLE.—The formula for the
3 allocation of funds under section 5 shall not
4 apply.

5 (B) STATE SET ASIDE SHALL NOT
6 APPLY.—The State set aside for administrative
7 funds in section 7 shall not apply.

8 **SEC. 7. SET-ASIDE FOR STATE ADMINISTRATIVE EXPENDI-**
9 **TURES.**

10 (a) IN GENERAL.—Except as otherwise provided
11 under subsection (b), a State that includes part A of title
12 I of the Elementary and Secondary Education Act of 1965
13 in the performance agreement may use not more than 1
14 percent of such total amount of funds allocated to such
15 State under the programs included in the performance
16 agreement for administrative purposes.

17 (b) EXCEPTION.—A State that does not include part
18 A of title I of the Elementary and Secondary Education
19 Act of 1965 in the performance agreement may use not
20 more than 3 percent of the total amount of funds allocated
21 to such State under the programs included in the perform-
22 ance agreement for administrative purposes.

23 **SEC. 8. PERFORMANCE REVIEW.**

24 (a) FAILURE TO MEET TERMS.—If at the end of the
25 5-year term of the performance agreement a State has

1 failed to meet at least 80 percent of the performance goals
2 submitted in the performance agreement, the Secretary
3 shall terminate the performance agreement and the State
4 shall be required to comply with the program requirement,
5 in effect at the time of termination, of each program in-
6 cluded in the performance agreement.

7 (b) PENALTY FOR FAILURE TO IMPROVE STUDENT
8 PERFORMANCE.—If a State has made little or no progress
9 toward achieving its performance goals by the end of the
10 term of the agreement, the Secretary shall reduce funds
11 for State administrative costs for each program included
12 in the performance agreement by 50 percent for the 2-
13 year period following the end of the term of the perform-
14 ance agreement.

15 **SEC. 9. RENEWAL OF PERFORMANCE AGREEMENT.**

16 (a) NOTIFICATION.—A State that wishes to renew its
17 performance agreement shall notify the Secretary of its
18 renewal request not less than 6 months prior to the end
19 of the term of the performance agreement.

20 (b) RENEWAL REQUIREMENTS.—A State that has
21 met at least 80 percent of its performance goals submitted
22 in the performance agreement at the end of the 5-year
23 term may reapply to the Secretary to renew its perform-
24 ance agreement for an additional 5-year period. Upon the
25 completion of the 5-year term of the performance agree-

1 ment or as soon thereafter as the State submits data re-
 2 quired under the agreement, the Secretary shall renew, for
 3 an additional 5-year term, the performance agreement of
 4 any State that has met at least 80 percent of its perform-
 5 ance goals.

6 **SEC. 10. ACHIEVEMENT GAP REDUCTION REWARDS.**

7 (a) CLOSING THE GAP REWARD FUND.—

8 (1) IN GENERAL.—To reward States that make
 9 significant progress in eliminating achievement gaps
 10 by raising the achievement levels of the lowest per-
 11 forming students, the Secretary shall annually set
 12 aside sufficient funds from the Fund for the Im-
 13 provement of Education under part A of title X of
 14 the Elementary and Secondary Education Act of
 15 1965 to grant a reward to States that meet the con-
 16 ditions set forth in subsection (b) by the end of their
 17 5-year performance agreement.

18 (2) REWARD AMOUNT.—The amount of the re-
 19 ward referred to in paragraph (1) shall be not less
 20 than 5 percent of funds allocated to the State during
 21 the first year of the performance agreement for pro-
 22 grams included in the agreement.

23 (b) CONDITIONS OF PERFORMANCE REWARD.—A
 24 State is eligible to receive a reward under this section if
 25 the State reduces by not less than 25 percent, over the

1 5-year term of the performance agreement, the difference
 2 between the percentage of highest and lowest performing
 3 groups of students that meet the State’s definition of
 4 “proficient” as referenced in section 1111(b)(1)(D)(i)(II)
 5 of the Elementary and Secondary Education Act of 1965,
 6 for the following:

7 (A) CONTENT AREAS.—The reduction in
 8 the achievement gap shall include not less than
 9 2 content areas, one of which shall be mathe-
 10 matics or reading.

11 (B) GRADES TESTED.—The reduction shall
 12 occur in at least 1 grade level.

13 **SEC. 11. STRAIGHT A’S PERFORMANCE REPORT.**

14 The Secretary shall make the annual State reports
 15 described in section 3 available to the House Committee
 16 on Education and the Workforce and the Senate Com-
 17 mittee on Health, Education, Labor and Pensions not
 18 later than 60 days after the Secretary receives the report.

19 **SEC. 12. CONSTRUCTION.**

20 To the extent that provisions of title XIV of the Ele-
 21 mentary and Secondary Education Act of 1965 are incon-
 22 sistent with this Act, this Act shall be construed as super-
 23 seding such provisions.

24 **SEC. 13. DEFINITIONS.**

25 For the purpose of this Act:

1 (1) LOCAL EDUCATIONAL AGENCY.—The term
2 “local educational agency” has the same meaning
3 given such term in section 14101 of the Elementary
4 and Secondary Education Act of 1965 (20 U.S.C.
5 8801).

6 (2) SECRETARY.—The term “Secretary” means
7 the Secretary of Education.

8 (3) STATE.—The term “State” means each of
9 the 50 States, the District of Columbia, the Com-
10 monwealth of Puerto Rico, Guam, the United States
11 Virgin Islands, the Commonwealth of the Northern
12 Mariana Islands, and American Samoa.

13 **SEC. 14. EFFECT ON STATE LAW.**

14 Nothing in this Act shall be construed to supersede
15 or modify any provision of a State constitution or State
16 law that prohibits the expenditure of public funds in or
17 by sectarian institutions.

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